

Potential for U.S. Nuclear Regulatory Commission Jurisdiction and Involvement at Other U.S. Department of Defense Base Realignment and Closure Sites listed on the National Priorities List

The U.S. Nuclear Regulatory Commission (NRC) staff also initiated a review to determine if there could be other U.S. Department of Defense (DoD) Defense Base Realignment and Closure (BRAC) sites listed on the National Priorities List (NPL) and with the potential for Atomic Energy Commission (AEC)-licensed material similar to the Hunters Point Shipyard (HPS) site. The staff reviewed all DoD BRAC sites listed on the NPL that also had previously terminated AEC licenses. The staff used results from NRC's Terminated License File Review conducted by Oak Ridge National Laboratory (ORNL) and NRC's Regions from 1990 to 2001. This review examined over 37,000 terminated license files to ensure that previously licensed facilities were properly decontaminated and posed no threat to public health and safety. The results of the ORNL and Regions work indicate that all the current BRAC NPL sites with terminated AEC licenses have sufficient documentation in the files to indicate that they had been terminated in an acceptable manner and no further NRC action was needed.

Because of the Navy's jurisdictional question at the HPS site, the staff also looked at the February 19, 1997, terminated license review report for the HPS file review. This report noted that HPS facilities were extensively surveyed in 1969, 1978, and 1995 and no contamination above release limits were identified. It was further noted, however, that the entire site was undergoing a radiological site characterization by the Navy and State of California and any resultant remediation would adequately be addressed by the Navy. As described in Enclosure 1, the Navy has provided new information that is sufficient to assume the presence of terminated AEC-licensed material at the HPS site.

Based on a jurisdictional question in a May 22, 2007, letter from the Air Force, the NRC staff also reviewed the Region's August 23, 2001, terminated license review report for McClellan Air Force Base in Sacramento, California. This report documented NRC's review of the license file and concluded that radioactive material was transferred to other AEC licenses and subsequently to Air Force permits following issuance of the Air Force Master Materials License (MML) in 1985. The report also noted that the laboratory buildings had been remediated by the Air Force and released for unrestricted use. However, it was noted in the report that buried wastes have been identified at McClellan Air Force Base, and reclamation of these wastes was being conducted under Air Force oversight under the MML.

Information in the May 22, 2007, letter to NRC from the Air Force indicated to the NRC staff that some laboratory standards material could have been present along with atomic weapons test material in one recently excavated onsite burial pit. All of this material has been disposed of offsite. Recent NRC staff discussions with the Air Force clarified that the laboratory standards material was likely under the AEC license. The atomic weapons test material analyzed in this AEC-licensed laboratory was under Section 91(b) of the Atomic Energy Act of 1954 and, therefore, was always outside of AEC-NRC jurisdiction. The Air force also believes that these materials are commingled because both types of material were used in the laboratory analyses. Although, this excavated burial pit is considered by the Air Force to be the most likely pit to contain such material, additional information is needed from the Air Force regarding the potential for similar material at 10 other burial pits or areas on this site. As a result, the staff is

working the Air Force to obtain additional information to determine the potential presence of other AEC-licensed material at the former McClellan Air Force Base. If the additional information from the Air Force supports the potential for terminated AEC-licensed material, the recommendations for HPS would also apply to McClellan, and the staff would inform the U.S. Environmental Protection Agency Region 9 and the Air Force in letters similar to the one recommended for the HPS site in Enclosure 2.

Similar to the HPS site, McClellan has soil containing radium-226 contamination. Some of this soil is stockpiled at the excavated burial pit under a weatherization tent. The Air Force, rather than the NRC, has jurisdiction over the radium-226 present at McClellan, for the reasons discussed in the body of this Commission paper. The Air force will be providing NRC with additional information about the extent of the radium-226 contamination.